

Case No. 2016-1625

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

DIGITAL ALLY, INC.

Appellant,

v.

UTILITY ASSOCIATES, INC.

Appellee.

**APPELLANT’S UNOPPOSED REQUEST TO WITHDRAW AND
VOLUNTARILY DISMISS PURSUANT TO FED. R. APP. P. 42(b)**

Pursuant to Fed. R. App. P. 42(b), Appellant Digital Ally, Inc. hereby requests withdrawal and voluntarily dismissal of the above-captioned appeal such that the Patent Trial and Appeal Board’s final written decision that the subject matter of Claim 11 of U.S. Patent No. 6,831,556 was not shown to be unpatentable is no longer an issue in the above referenced Case No. 2016-1625. The Parties specifically agree that this withdrawal and dismissal does not otherwise affect or apply to Utility Associates, Inc.’s cross-appeal docketed as Case No. 2016-1626, which shall remain pending, and in which both Parties will fully participate.

So long as the requested withdrawal and voluntary dismissal do not prejudice its cross appeal in Case No. 16-1626, Cross-Appellant Utility Associates,

Inc. does not oppose this request. All Parties agree to bear their own costs relating to Digital Ally's Notice of Appeal filed in the above-captioned case.

WHEREFORE, Appellant Digital Ally, Inc. requests withdrawal and voluntary dismissal of its appeal docketed as Case No. 16-1625.

Dated: April 25, 2016

Respectfully submitted,

/s/Adam P. Seitz

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that I filed Appellant Digital Ally, Inc.'s Unopposed Request to Withdraw and Voluntary Dismiss with the Clerk of the Court using the CM/ECF System, which will serve via e-mail notice of such filing to all counsel registered as CM/ECF users, including the following:

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Dated: April 25 2016

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